

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SSGT. JASON A. ADKINS, USAF,

Plaintiff,

v.

DONALD H. RUMSFELD, Secretary of Defense;
JAMES G. ROCHE, Secretary of the Air Force;
GEN. JOHN W. HANDY, Commander Air Mobility
Command; COL. JOHN I. PRAY, JR., 436th Air
Wing Commander, in their official capacities,

Defendants.

C.A. NO.: 04-1453

**DEFENDANTS' NOTICE
OF MOTION TO DISMISS**

Dated: January 18, 2006

Of Counsel:

LT COL DONNA MARIE VERCHIO
Staff Judge Advocate
Dover Air Force Base
MAJ CHARLES D. MUSSELMAN, JR.
Military Personnel Branch
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Attorneys for Defendants

Defendants Secretary of Defense Donald H. Rumsfeld, Secretary of the Air Force James G. Roche, General John W. Handy, and Colonel John I. Pray, Jr., through undersigned counsel, hereby move the Court, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss plaintiff's Amended Complaint. In support of this motion, the Court is respectfully referred to the accompanying Defendants' Memorandum of Law in Support of Defendants' Motion to Dismiss and the attached Exhibits.

Dated: January 18, 2006

Respectfully submitted,


Of Counsel:

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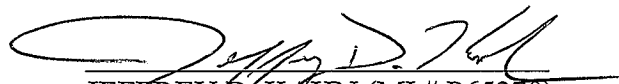
Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on January 18, 2006, I electronically filed the foregoing Defendants' Notice of Motion to Dismiss with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

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